

City Council Meeting Minutes

**June 2, 2020
Electronic Meeting
6:00 PM**

Call to Order – Mayor Stolzmann called the meeting to order at 7:00 p.m. **Roll Call** was taken and the following members were present:

City Council: ***Mayor Ashley Stolzmann
Mayor Pro Tem Dennis Maloney
Councilmember Kyle Brown
Councilmember J. Caleb Dickinson
Councilmember Deborah Fahey
Councilmember Chris Leh (arrived 7:05)
Councilmember Jeff Lipton***

Staff Present: ***Heather Balser, City Manager
Megan Davis, Deputy City Manager
Kevin Watson, Finance Director
Nathan Mosely, Parks, Recreation, & Open Space Director
Kurt Kowar, Public Works Director
Rob Zuccaro, Planning & Building Safety Director
Felicity Selvoski, Planner I
Chris Neves, Information Technology Director
Sharon Nemechek, Library Director
Dave Hayes, Police Chief
Megan Pierce, Economic Vitality Director
Kathleen Hix, Human Resources Director
Emily Hogan, Assistant City Manager for Communications
& Special Projects
Meredyth Muth, City Clerk***

Others Present: ***Kathleen Kelly, City Attorney***

Mayor Stolzmann noted that because of the COVID-19 emergency the meeting is being held electronically. She gave information on how the meeting process will work and directions for those dialing in on how to participate when it is time for public comments.

APPROVAL OF AGENDA

Mayor Stolzmann called for changes to the agenda and hearing none she asked for a motion. Councilmember Lipton moved to approve the agenda; seconded by Councilmember Dickinson. All in favor.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA AND THE CONSENT AGENDA

Paul Crowder, 296 South Buchanan Circle, asked how the Louisville Police Department would handle a contact with someone like George Floyd. Specifically, he was seeking assurances that such a death would never happen in Louisville. He asked to hear about the controls the Department has in place. He also asked for a statement from the Police Chief and City Manager.

APPROVAL OF THE CONSENT AGENDA

Mayor Stolzmann noted a request from Councilmember Leh to move Item E to the regular agenda. She asked for a motion to approve the consent agenda as amended. Councilmember Dickinson moved to approve the agenda as amended; seconded by Councilmember Brown. All in favor.

- A. *Approval of Bills***
- B. *Approval of Minutes: May 19, 2008***
- C. *Approval of June 9, 2020 as a Special Meeting***
- D. *Approval of Proclamation Declaring June 5th to be National Gun Violence Awareness Day***
- E. *Approval of Economic Vitality Strategic Plan – moved to regular agenda***
- F. *Approval of Resolution No. 44, Series 2020 – A Resolution Approving a First Amendment to a Lease Agreement with Avid4Adventure***

COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA

Mayor Stolzmann stated our country has a dark history of racism and hate and this history has led up to the murder of George Floyd last week. We've seen a growing number of individuals protesting the excessive and unreasonable force that was used by law enforcement. She thanked everyone for speaking their minds about the incident. We must not detract from this important message and the call to action by engaging with violence. She noted the commitment of the Louisville Police Department to the community and the quality of service they provide to the public. The City is dedicated to maintaining peace.

Mayor Stolzmann called for a moment of silence to honor George Floyd's memory and to reflect.

Mayor Stolzmann asked City Manager Balser for a few comments. City Manager Balser stated she agreed strongly with the Mayor's comments. She noted the City and Police Department are committed and dedicated to providing police services for all without discrimination. She asked Chief Hayes for his comments.

10:00

Chief Hayes stated the Police Department is dedicated to providing excellent police services for all according to the City's mission, vision, and values. Our officers are trained annually on a number of topics and exceed state training mandates on both explicit and implicit bias and use of force. He offered a future discussion with Council on this topic and to take community feedback. He noted their use of force policy requires officers to use only the amount of force that is objectionably reasonable to effect an arrest, prevent an escape, or defend themselves or another from bodily harm, or preserve the peace. The department has a policy requiring officers to intervene if another officer is using more force than is objectionably reasonable under the circumstances and report it to their superior. He noted it is the policy of the department to enforce the law equally, fairly, and without discrimination.

Councilmember Fahey agreed with the earlier comments and stated this is a real concern nationally and every person is entitled to be treated like every other person and that should be the goal of all of us.

Councilmember Dickinson noted he will be an ally with everyone standing up for human rights across the country. Everyone should stand up for ending racist policies locally and nationally.

Councilmember Brown stated we should all strive to end systemic racism in our society. He is committed to making sure something like this would never happen in our community. Everyone is welcome and treated equally with respect in Louisville.

Councilmember Leh stated he is committed to making sure everyone in the community is treated equally under the law and noted there is no place for racism, sexism, and hate in Louisville.

CITY MANAGER'S REPORT

City Manager Balser asked Director Pierce to update everyone on the downtown dining program. Director Pierce stated staff continues to work on the details of the Main Street closure for expanded dining. Staff hopes to have this underway by the end of next week. Staff is also working with those restaurants not on Main Street to see ways they can expand seating as well.

Deputy City Manager Davis reported that City Hall is now open to the public for Tuesday and Thursday mornings for services by appointment only. Everyone is able to contact staff online for services as well.

REGULAR BUSINESS

LESBIAN, GAY, BISEXUAL, TRANSGENDER, AND QUEER PRIDE MONTH PROCLAMATION JUNE 2020

Councilmembers Dickinson and Brown read the proclamation.

ORDINANCE NO. 1794, SERIES 2020 – AN EMERGENCY ORDINANCE EXTENDING TO JUNE 30, 2020 THE REQUIREMENT TO WEAR FACE COVERINGS WITHIN THE CITY – 1ST AND FINAL READING – PUBLIC HEARING – Adoption as Emergency Ordinance

Mayor Stolzmann introduced the item and opened the public hearing. City Attorney Kelly stated that on May 5th, in response to the COVID-19 pandemic, the Council passed an emergency ordinance requiring face coverings within the City when inside businesses or outside when a six-foot distance can't be maintained. That ordinance is set to expire on June 5. Boulder County's ordinance with this requirement has been extended to now expire on June 30th. If the Council would like the City's ordinance to align with that date the Council can approve this ordinance tonight extending the Louisville rules to June 30, 2020.

Public Comments – None.

Councilmember Dickinson stated he supports this current extension but would like further discussion on the efficacy of this if the Council wants to extend this beyond June 30th.

Councilmember Lipton moved to approve the ordinance; Councilmember Leh seconded the motion.

Public Comments – None.

Mayor Stolzmann closed the public hearing.

Roll Call Vote: Ordinance passed by unanimous roll call vote.

RESOLUTION NO. 39, SERIES 2020 – A RESOLUTION DESIGNATING THE MANCINI HOUSE LOCATED AT 908 REX STREET A HISTORIC LANDMARK

Mayor Stolzmann opened the public hearing. Planner Selvoski stated this request is for the landmarking of 908 Rex Street. The house meets both the architectural significance

and physical integrity criteria in the code and staff recommends approval. The Historic Preservation Commission (HPC) also recommends approval and has approved an alteration certificate for an addition on the property.

Public Comments - None

Councilmember Brown asked how an addition can be approved on a landmarked property. Selvoski stated the preservation program allows for additions that do not take away from the historic integrity on the original structure. Additions are encouraged to be on the rear of a property and involve the least amount of removal of historic materials. The goal is to allow for additions to fit modern life but also keep the historic fabric of the building.

Councilmember Lipton moved to approve the resolution; seconded by Mayor Pro Tem Maloney.

Mayor Stolzmann closed the public hearing.

Roll Call Vote: Resolution passed by unanimous roll call vote.

833 JEFFERSON AVENUE LANDMARK AND HISTORIC PRESERVATION GRANT

RESOLUTION NO. 40, SERIES 2020 – A RESOLUTION DESIGNATING THE LA SALLE HOUSE LOCATED AT 833 JEFFERSON AVENUE A HISTORIC LANDMARK

RESOLUTION NO. 41, SERIES 2020 – A RESOLUTION APPROVING A PRESERVATION AND RESTORATION GRANT FOR WORK ON THE LA SALLE HOUSE LOCATED AT 833 JEFFERSON AVENUE

Mayor Stolzmann opened the public hearing. Planner Selvoski stated this request is for the landmarking of 833 Jefferson Avenue and approval of a Historic Preservation grant. The house meets both the architectural significance and physical integrity criteria in the code. The Historic Preservation Commission (HPC) recommends approval. The HPC also approved an alteration certificate for a minimal addition on the rear of the property as well as moving windows back to their original location.

The grant has two aspects. This first request is for approximately \$17,000 for restoration work. The second request is for \$15,000 in matching funds for a new construction grant. This is available to those who limit the mass and scale of an addition on a property. The maximum floor area ratio (FAR) for this property is 0.55 (2,577 SF); the FAR for the property following the addition proposed by the applicants is 1,340 SF.

Staff recommends approval of both resolutions.

Public Comments – None.

Councilmember Lipton moved to approve resolution 40; seconded by Councilmember Dickinson.

Mayor Stolzmann closed the public hearing.

Roll Call Vote: Resolution passed by unanimous roll call vote.

Councilmember Lipton moved to approve resolution 41; seconded by Councilmember Fahey.

Roll Call Vote: Resolution passed by unanimous roll call vote.

RESOLUTION NO. 42, SERIES 2020 – A RESOLUTION APPROVING A BUSINESS ASSISTANCE AGREEMENT WITH EMERGY, INC. FOR AN ECONOMIC DEVELOPMENT PROJECT IN THE CITY OF LOUISVILLE

Mayor Stolzmann introduced the item. Director Pierce stated Emergy Foods is a spin-out of the University of Colorado Boulder and they manufacture alternative protein products. They are currently looking at sites in the CTC to expand to. They are also considering two other Colorado cities for this project location. They plan to employ 25 people at move-in and grow the employee base to 85 people within 5 years

The company meets the program criteria by bringing quality development and creating new jobs in the City. It also represents job diversity and is part of a growing industry.

Director Pierce stated this is a proposed 50% rebate of Building Permit Fees and Construction Use Tax, capped at \$46,000 and a proposed 40% rebate on new Consumer Use Tax, capped at \$181,000. The agreement stipulates the project must be completed by March 31, 2022 and it must remain in Louisville for 7 years.

Staff recommends approval.

Mayor Pro Tem Maloney asked why staff is recommending a seven-year requirement to stay in town. Director Pierce stated she based that on the amount of money the City would be investing in the company. This is a substantial investment from us. The company has agreed to these terms.

Councilmember Lipton moved to approve the resolution; seconded by Councilmember Dickinson.

Public Comments – None.

Roll Call Vote: Resolution passed by unanimous roll call vote.

RESOLUTION NO. 43, SERIES 2020 – A RESOLUTION APPROVING A BUSINESS ASSISTANCE AGREEMENT WITH LOXO ONCOLOGY, INC. FOR AN ECONOMIC DEVELOPMENT PROJECT IN THE CITY OF LOUISVILLE

Mayor Stolzmann introduced the item. Director Pierce stated Loxo Oncology was created in December 2019 and is a biotech and pharma firm developing new medicines for people with cancer. The company was acquired by Lilly in early 2019. Currently they have employees in Boulder and are seeking a site for a new laboratory and office. They are seeking to construct a 70,000 square foot facility for laboratory and office for over 100 FTEs. The company is currently considering two other sites in their nationwide selection process and they anticipate a decision in June.

This agreement meets the BAP criteria by bringing high quality development; complementing existing Louisville businesses; creating new jobs in the City, and bringing job diversity.

Director Pierce stated this is a proposed 50% rebate of Building Permit Fees and Construction Use Tax capped at \$385,000; and a proposed 40% rebate on new Consumer Use Tax capped at \$360,000. The project must be completed by January 1, 2022 and the business must remain in Louisville for 10 years.

Public Comments – None.

Councilmember Brown asked what other cities are being considered. Director Pierce stated locations in Connecticut and Georgia are also being considered.

Councilmember Leh asked how important the labor pool is to why they are considering locating here. Director Pierce stated it is probably a major reason they are looking here.

Councilmember Lipton moved to approve Resolution No. 43, seconded by Councilmember Leh.

Roll Call Vote: Resolution passed by unanimous roll call vote.

RESOLUTION NO. 45, SERIES 2020 – A RESOLUTION AMENDING THE 2020 BUDGET BY AMENDING APPROPRIATIONS IN THE GENERAL FUND, OPEN SPACE & PARKS FUND, CONSERVATION TRUST – LOTTERY FUND, CEMETERY FUND, HISTORIC PRESERVATION FUND, RECREATION FUND, CAPITAL PROJECTS FUND, WATER UTILITY FUND, WASTEWATER UTILITY FUND, STORM WATER UTILITY FUND, AND GOLF COURSE FUND FOR CARRY FORWARD OF APPROPRIATIONS AND ADDITIONAL APPROPRIATIONS WITHIN SUCH FUNDS AND ADJUSTING BUDGETED REVENUE IN THE GENERAL FUND, OPEN SPACE & PARKS FUND, AND CAPITAL PROJECTS FUND

Mayor Stolzmann introduced the item and opened the public hearing. Director Watson stated this is the first amendment of what will be many this year; this is the carry forward amendment and will carry forward moneys not spent last year; budget for a few items that were not anticipated; and adjust some revenues. Director Watson reviewed the amendments. The fiscal impact of these amendments is to add \$17.1 million in expenditures and \$3.7 million to revenues. This was reviewed by the Finance Committee at their last meeting.

Public Comments – None.

Mayor Pro Tem Maloney stated the Finance Committee supports this amendment. He stated he is a bit concerned about the large amount of carryforward and he hopes that is addressed in this year's budget process.

Mayor Pro Tem Maloney moved to approve Resolution 45; seconded by Councilmember Lipton.

Mayor Stolzmann noted the downtown tree grate project has been removed from the budget and she asked Council if staff could ask the LRC to look at paying for that.

Members discussed some of the projects that are being postponed in this amendment.

Councilmember Lipton stated this is a good time to identify the projects we might want to ask the LRC to help fund.

Mayor Stolzmann confirmed that with this motion the Council is asking the City Manager to reach out to the LRC to see if they are interested in helping fund some projects that affect the urban renewal area.

Roll Call Vote: Resolution passed by unanimous roll call vote.

**RECONSIDERATION OF RESOLUTION NO. 38, SERIES 2020 AMENDING
PROCEDURES TO BE UTILIZED FOR QUASI-JUDICIAL HEARINGS AT MEETINGS
CONDUCTED BY ELECTRONIC PARTICIPATION**

Mayor Stolzmann introduced the item. City Attorney Kelly stated staff understands some members of City Council would like to reconsider Resolution No. 38 that was approved May 26th. For a reconsideration to happen a motion for reconsideration must be made by a member of the Council from the prevailing side and it also requires a 2/3 majority for reconsideration to occur. She noted that if reconsideration is approved the next item on the agenda would be that topic; if a motion to reconsider is not made or does not pass the next item will be null and void.

Public Comments – None.

Mayor Stolzmann stated she does not support the reconsideration and is happy with what was approved last week.

Councilmember Fahey moved to reconsider Resolution No. 38, seconded by Mayor Pro Tem Maloney.

Roll Call vote: Motion passed 5-2 (Mayor Stolzmann and Councilmember Brown voting no)

RESOLUTION NO. 38, SERIES 2020 – A RESOLUTION AMENDING PROCEDURES TO BE UTILIZED FOR QUASI-JUDICIAL HEARINGS AT MEETINGS CONDUCTED BY ELECTRONIC PARTICIPATION

Mayor Stolzmann introduced the item. City Attorney Kelly stated staff understands there may be Councilmembers who wish to revise this resolution. Any member who wishes to do so may make a motion to revise the language.

Public Comments - None

Mayor Pro Tem Maloney moved to approve Resolution No. 38 but striking the words “and Planning Commission” from Section 1A2; seconded by Councilmember Fahey.

Mayor Stolzmann stated she believes having an in-person meeting option is important for her for these types of hearings and she also would like to make sure we figure out how to help people who do not have a computer to access electronic meetings. She would rather bodies that are not legislative be identified as essential so they can meet in-person and would like us to lobby for that with the Governor. The issue of signature collection for referendum items also needs to be addressed.

Councilmember Brown stated he supports the intent of the resolution as previously approved so that the Planning Commission cannot hold electronic hearings on items subject to referendum.

Councilmember Leh stated that last week he thought the ten-person limit did not apply to the Planning Commission and they could meet in-person. Having learned that is not the case he supports the resolution as amended this evening. He added it is a valid concern that some people do not have computer access for an electronic meeting and the City should address this. He suggested the City provide access to a computer at the library for anyone who requests it.

Councilmember Lipton asked if Planning Commission items are subject to referendum. City Attorney Kelly stated the power of referendum is reserved for City Council actions that are legislative in nature.

Councilmember Lipton stated given that information he supports allowing the Planning Commission to hold electronic hearings for these items. Also, given that people can watch the meetings from home on Channel 8 and call in with questions he is less concerned about accessibility.

Mayor Stolzmann noted her concern that some people cannot participate via computer and as the phone number is posted online some people cannot call in.

Mayor Pro Tem Maloney noted the Council has been handling ordinances in electronic meetings without issue. This is an unprecedented time and we need to be able to handle City business as best we can. He stated that at the meeting last week he should have asked for better clarification on what the motion was before he voted as he was unclear.

Councilmember Dickinson noted accessibility is an issue but for some people this is a better process. We can't solve this for everyone and shouldn't set the bar too high. He stated many people don't want to come to in-person meetings and may not want to for a long time. We will have to figure out how to address this for as many people as possible and for a long time. He supports making changes to allow for digital signature collection for referenda.

Councilmember Fahey stated this is another step in how we handle City business during the pandemic. She stated we are moving forward and taking small reasoned steps as we can.

Councilmember Brown stated he will be voting no as he feels there is a way to have a safe, in-person option for people to attend meetings when quasi-judicial matters are being heard. We need to be available to our constituent's in-person.

Mayor Stolzmann stated she will not support this until there is a better plan to address all of the issues raised here this evening.

City Manager Balser stated staff is continuing to look at ways to better engage the public in meetings and address these issues.

Councilmember Leh agreed accessibility issues need to be addressed and we need to keep working on that

Mayor Pro Tem Maloney stated staff is working on solutions and those may change again as the pandemic continues. This is a short-term item and it will be reconsidered as needed.

Councilmember Lipton stated things could get better or worse and electronic meetings may be needed. He noted he is very uncomfortable meeting in-person if there is a chance of exposure. He is also concerned that a meeting with some people in-person and some remote is not an equal experience for everyone. We need to continue meeting

electronically and moving City business forward as best we can. We can consider it again in a few weeks and see where we are.

Councilmember Leh offered a friendly amendment that the in-person meeting requirement for Planning Commission be revisited in 8 weeks. Mayor Pro Tem Maloney did not accept the friendly amendment. He stated we will have to address this anyway and we don't need a date certain in the resolution.

Roll Call vote: motion passed 5-2 (Mayor Stolzmann and Councilmember Brown voting no.)

APPROVAL OF ECONOMIC VITALITY STRATEGIC PLAN – *moved from consent*

Director Pierce stated this is Council's review of the purpose and objectives of the new Economic Vitality Committee as well as a look at their vision statement and strategic goals. While this is a long-term look, currently the Committee is focusing on the immediate needs of businesses.

Councilmember Dickinson stated the committee members feel this is a good plan and they are getting good feedback from businesses. If further discussion is warranted, Council is welcome to do that.

Councilmember Leh stated he would like Council to have further discussion about the goals of the plan and he would like it to include more short-term issues related to COVID. He recommends adding it to a future agenda for a more broad discussion and revision of the goals to address short-term issues. He would like this added to an agenda in three months.

Public Comments – None.

Mayor Stolzmann moved to approve the plan as presented; seconded by Councilmember Dickinson.

Councilmember Dickinson stated that with what is happening currently the committee and staff do not have the time to be analyzing strategy right now. That will come at a later date for sure, but for now this plan is a good step in the right direction.

Councilmember Leh made a friendly amendment to revisit the goals in three to six months. He would like a commitment on the time frame.

Mayor Stolzmann did not accept the friendly amendment. She stated she likes the plan as written, but is happy to have a conversation about amendments if Councilmember Leh has any specific amendments to offer this evening

Councilmember Leh stated he would prefer setting his to a future date; he feels tonight is not the time to have that conversation. He feels this document is not ready to guide us for the next few years without a full debate of the details. This is not ready for prime time and we are not ready to have this conversation. He stated he will raise the issues later.

Roll Call vote approved 6-0 (Councilmember Leh abstained).

CITY ATTORNEY'S REPORT

None.

COUNCIL COMMENTS, COMMITTEE REPORTS, AND IDENTIFICATION OF FUTURE AGENDA ITEMS

ECONOMIC VITALITY COMMITTEE no report

FINANCE COMMITTEE no report

LEGAL REVIEW COMMITTEE – will be looking at the quasi-judicial rules for meetings at next week's meeting.

UTILITY COMMITTEE – no report

COLORADO COMMUNITIES FOR CLIMATE ACTION – no report

COMMUTING SOLUTIONS – no report

CONSORTIUM OF CITIES – meeting tomorrow night

DOWNTOWN BUSINESS ASSOCIATION STREET FAIRE – with this year's cancellation now working on how to limit financial damage and how best to support downtown this summer.

DENVER REGIONAL COUNCIL OF GOVERNMENTS – Mayor Stolzmann stated the bill for oversight of RTD has been withdrawn in the legislature but there is talk about a committee to work on that.

JOINT INTEREST COMMITTEES (SUPERIOR & LAFAYETTE) – no report

MAYORS & COMMISSIONERS COALITION – meeting this week

METRO MAYORS CAUCUS – no report

REVITALIZATION COMMISSION – no report

XCEL ENERGY FUTURES – no report

ADVANCED AGENDA

Councilmember Brown would like to take up the offer from Chief Hayes to learn more about the training the Police Department receives.

Mayor Pro Tem Maloney would like fiscal model 101 added to the June 23 meeting.

Councilmember Lipton would like some placeholders in the advanced agenda for some of the items we discussed tonight.

ADJOURN

Members adjourned at 9:05 pm.

Ashley Stolzmann, Mayor

Meredyth Muth, City Clerk